

PROB 12C
(12/04)

UNITED STATES DISTRICT COURT

FILED
Clerk
District Court

SEP 17 2007

for

District of the Northern Mariana Islands

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kuo Chung Wei Case Number: CR 07-00023-001Name of Sentencing Judicial John S. UnpingcoDate of Original Sentence: January 15, 2003Original Offense: Importation of Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 846 & 18 U.S.C. § 2

Original Sentence: 46 months imprisonment with credit for time served followed by a five year term of supervised release with conditions to include: pursuant to 18 U.S.C. §3583(d) be turned over to a duly authorized immigration official for deportation proceedings in accordance with the established procedures provided by the immigration and naturalization act, 8 U.S.C. § 1101 et seq. as a further condition of supervised release, if ordered deported defendant shall remain outside the United States and shall not re-enter without the permission of the U.S. Attorney General; and if deportation fails to occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report the U.S. probation Office to begin his term of supervised release. Additionally, he was ordered to: not unlawfully possess a controlled substance; refrain from any unlawful use of a controlled substance; submit to one urinalysis within 15 days of release and up to two urinalyses thereafter; refrain from the use of any and all alcoholic beverages; participate in a program approved by the U.S. Probation Office for substance abuse, which may include testing to determine whether the defendant has reverted to the use of drugs or alcohol and make co-payment at rate to be determined by the U.S. Probation Office; perform 400 hours of community service under the direction of the U.S. Probation Office; obtain and maintain gainful employment; and pay a \$100 special assessment fee.

Type of Supervised Release Date Supervision Commenced: April 4, 2005Assistant U.S. Craig N. Moore Defense Attorney: Loren A. Sutton

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

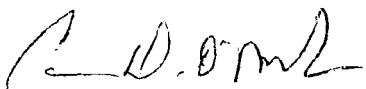
<u>Violation Number</u>	<u>Nature of Noncompliance</u>	<u>All in violation of 18 U.S.C. § 3583(d)</u>
1.	Failure to refrain from committing another federal, state, or local crime, in violation of 18 U.S.C. §3583(d)	
2.	Failure to refrain from possessing an illegal controlled substance, in violation of 18 U.S.C. § 3583(d)	
3.	Failure to remain outside the United States and not re-enter without the permission of the U.S. Attorney General, in violation of 18 U.S.C. §3583(d).	

U.S. Probation Officer Recommendation:

☒ The term of supervision should be☒ revoked.☐ _____ years, for a total term _____ years.☐ The conditions of supervision should be modified as follows:

*See attached Declaration in Support of Petition by
USPO Margarita DLG. Wonenberg*

Reviewed by:



CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader

Date: 9/17/07

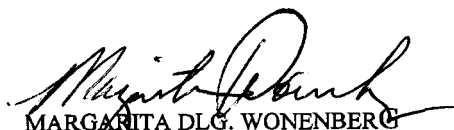
Reviewed by:



CRAIG N. MOORE
Assistant U.S. Attorney

Date: 9-17-07

I declare under penalty of
perjury that the foregoing is
true and correct.



MARGARITA DLG. WONENBERG
U.S. Probation Officer

Executed on: 9-17-07

THE COURT ORDERS:

☐ No action.☒ The issuance of a warrant.☐ The issuance of a summons.☐ Other

HON. ALEX R. MUNSON
Chief Judge
District of the Northern Mariana Islands

9-17-07

Date

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 07-00023-001
)	
Plaintiff,)	
)	DECLARATION IN SUPPORT OF PETITION
vs.)	
)	
KUO CHUNG WEI,)	
)	
Defendant.)	
)	

Re: Violation of Supervised Release Conditions; Request for a Summons

I, U.S. Probation Officer Margarita Wonenberg, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of supervised release for Kuo Chung Wei, and in that capacity declare as follows:

On January 15, 2003 Kuo-Chung Wei was sentenced to 46 months imprisonment with credit for time served and a five year term supervised release for the offense of Importation of Methamphetamine Hydrochloride, in violation of 21 U.S.C. § 846 and 18 U.S.C. § 2 in the District of Guam. His term of supervised release began on April 5, 2005. Mr. Wei is alleged to have committed the following, in violation of 18 U.S.C. §3583(d):

Violation #1, Mandatory Condition: *The defendant shall not commit another federal, state, or local crime. and* **Violation #2, Mandatory Condition:** *The defendant shall not illegally possess a controlled substance.*

On April 5, 2007 and April 6, 2007, two controlled purchases of three grams each of crystal methamphetamine were made from Kuo-Chung Wei by the Commonwealth of the Northern Mariana Islands (CNMI) Department of Public Safety (DPS) Narcotics Section. Mr. Wei was arrested and charged with the offense of Distribution of a Controlled Substance following the second controlled buy. On April 16, 2007, he was charged by Complaint in the District Court of the Northern Mariana Islands (NMI) Criminal Case No. 07-00003 for two counts of Distribution of a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C). On May 4, 2007, Mr. Wei was Indicted in the District of the NMI in Criminal Case No. 07-00013 to two counts of Distribution of a Controlled Substance Within 1000 Feet of a School, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 860(a). Since April 16, 2007, Mr. Wei has been in the custody of the U.S. Marshal Service. The Drug Enforcement Administration investigative documents, Complaint and Indictment outlined the offense as follows:

DECLARATION IN SUPPORT OF PETITION

Violation of Supervised Release; Request for a Summons

Re: WEI, Kuo Chung

Criminal Case No. 07-00023-001

September 17, 2007

Page 2

On April 2, 2007, Commonwealth of the Northern Mariana Islands Department of Public Safety (DPS) Detective Alfred Celes met with a cooperating source (CS) who provided information that he was introduced to "Zhou" or "Pang Yoa" who lives at the Taiwan Center building at As Lito, Saipan. The CS has been buying crystal methamphetamine from the Chinese male who was later identified as Kuo-Chung Wei also known as John Wei.

On April 5, 2007, the DPS CS placed a recorded telephone call to Kuo-Chung Wei's cellular phone (670-989-9056), and ordered \$350 worth of "ice". Wei indicated that they would meet at Sister Remedio School located in Chalan Kanoa, Saipan, CNMI.

DPS provided the CS with \$350, equipped him/her with a recording device and was accompanied by the Drug Enforcement Administration Task Force Agent, acting in an undercover capacity. At approximately 7:14 p.m., they met Wei who was driving a maroon sedan bearing the license plate ADT 632. Wei provided the CS with suspected methamphetamine wrapped in a white napkin. After completing the transaction, the CS and the accompanying Officer left the school and went to the prearranged location. At the secure location, the recording device was retrieved from the CS. A field test was also conducted on the crystalline substance and it was presumptive positive for methamphetamine with an approximate weight of 1.8 grams.

Later that evening, at approximately 7:55 p.m., another recorded telephone call was placed to Wei and an order for "ice" was made for April 6, 2007.

On April 6, 2007, at approximately 12:50 p.m. a call was placed to Wei's cellular telephone (670-989-9056) and the CS ordered \$350 worth of ice. The meeting place was set for the same location as the day prior and the meeting time was scheduled for five minutes.

The CS was provided \$350 by DPS and equipped with a recording device. At 1:00 p.m., the CS and Wei met. Wei was operating the same vehicle as the previous day. After completing the transaction, the CS met the DPS Officers at a prearranged location and provided the officers with a piece of toilet tissue with two small ziploc bags containing crystalline liked substance. The substance was field tested and was presumptive positive to be crystal methamphetamine with an approximate weight of 1.9 grams.

DECLARATION IN SUPPORT OF PETITION

Violation of Supervised Release; Request for a Summons

Re: WEI, Kuo Chung

Criminal Case No. 07-00023-001

September 17, 2007

Page 3

Immediately thereafter, Wei was stopped by a DPS Traffic Officer for a traffic violation, and was arrested for trafficking "ice". He was taken to DPS Traffic Office for questioning. Officers obtained \$350 of pre-recorded drug money from Wei. Wei consented to a vehicle search which produced negative results. He verbally consented to search of his apartment at YPIA Apartments room 23 in Garapan, Saipan. The search yielded a Mild Seven cigarette box containing a ziploc with six marijuana cigarettes and an additional 27 marijuana joints outside the box. A field test was conducted with presumptive positive results.

Violation #3 Special Condition: Pursuant to 18 U.S.C. §3583(d), the defendant shall be turned over to a duly authorized immigration official for deportation proceedings in accordance with the established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. §1101 Et Seq. As a further condition of supervised release, if ordered deported, defendant shall remain outside the United States and shall not re-enter without the permission of the U.S. Attorney General. If deportation fails to occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release.

On April 4, 2005, Mr. Wei was released from the custody of the Bureau of Prisons and transferred to the Bureau of Immigrations and Customs Enforcement pursuant to a detainer. On April 14, 2005, Mr. Wei was deported from the United States to the Republic of Taiwan.

On April 5, 2007, Mr. Wei was arrested in the District of the Northern Mariana Islands for the offense of Distribution of a Controlled Substance. His Taiwan passport indicated multiple entries into Saipan, CNMI. On May 16, 2006, he entered Saipan, and departed on May 24, 2006. On December 25, 2006, he returned to Saipan and departed on January 12, 2007. On February 7, 2007, he returned to Saipan and departed on February 10, 2007. On February 14, 2007, he returned and departed on March 10, 2007. On March 13, 2007, he arrived in Saipan and departed on March 31, 2007. He last entered Saipan on April 4, 2007, a day prior to his arrest.

On June 4, 2007, the U.S. Probation Office filed a violation report in the U.S. District Court of Guam for violations of supervised release conditions noted in the preceding paragraphs. On June 27, 2007, Mr. Wei appeared before Magistrate Judge Joaquin Manibusan. Assistant U.S. Attorney, Karon Johnson and appointed defense counsel, Richard Arens. The parties stipulated to a transfer of jurisdiction to the District of the Northern Mariana Islands, where the defendant shall answer to the charges in the instant offense. On July 19, 2007, Mr. Wei's case was transferred to the District of the Northern Mariana Islands.